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The Gazette of Puducherry

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GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 27/Lab./AIL/T/2020, Puducherry, dated 26th February 2020)

NOTIFICATION

Whereas, an Award in I.D (L) No. 33/2015, dated 12-11-2019 of the Industrial Tribunal-*cum*-Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Dinamalar Newspaper, Thattanchavady, Puducherry and Thiru V.S. Murugan, Mudaliarpet, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L., dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. Mouttoulingam,
Under Secretary to Government (Labour).

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BEFORE THE INDUSTRIAL TRIBUNAL -*CUM*- LABOUR COURT AT PUDUCHERRY

*Present:*Thiru V. Pandiaraj, B.Sc.,L.L.M.,
Presiding Officer.

Tuesday, the 12th day of November 2019.

I.D. (L) No. 33/2015

V.S. Murugan,
S/o. Selvaraj,
No. 5, Swaminathapillai Veethi,
Mudaliarpet,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Dinamalar News Paper,
Industrial Estate, Thattanchavady,
Puducherry. . . Respondent

This industrial dispute coming on 30-10-2019 before me for final hearing in the presence of Thiru Sai Raja Gopal, Counsel for the petitioner Thiru K. Babu, Counsel for the respondent, upon hearing, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This Industrial Disputes arises out of the reference made by the Government of Puducherry, *vide* G.O. Rt. No. 57/AIL/Lab./T/2015, dated 18-06-2015 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.,*

(i) Whether the dispute raised by Thiru V.S. Murugan, against the management of M/s. Dinamalar Newspaper, Puducherry, over his non-employment is justified or not? If justified, what relief he is entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. *The averment in the claim statement of the petitioner, in brief, are as follows:*

The petitioner was employed in the respondent establishment as Proof Reader for the past nine years and his employment was confirmed by the respondent management. This petitioner performed his duty till 12-02-2014 sincerely up to the satisfaction of the management and he was never charged for any disciplinary actions. The petitioner was very punctual in his job and he was an amiable person towards others, such as staffs, superiors, co-workers and juniors. He had friendly approach with his colleagues also. The respondent management acted in a biased manner in respect of providing incentives to its employees and no uniformity was followed by the management in this regard. The petitioner was coordinating with all other workers and he involved in labour friendly activities in getting the proper incentives to all his colleagues in an unbiased manner. Further, he joined together with other colleagues for getting better salary benefits under the law from the management, which resulted in, the management to get aggrieved over this petitioner. It has involved in unfair labour practice against this petitioner. Towards this end the respondent management threatened the co-workers and created panic among the employees and intended to divide them. The respondent management has forced this petitioner to work beyond the permitted working hours, gavs heavy work, but, denied any extra allowance or increased salary for his additional work and overtime work, and thereby it has caused mental agony to this petitioner. On 12-02-2014 the respondent management threatened this petitioner and directed him to file a resignation letter.

Before, that it has told that such a letter is only a formality to appease the top brass of the management and it has assured that he would be replaced in the same position within two days with better salary benefits. The petitioner has no other go except to accept

the direction given by the management. As dictated by the staff of the respondent management, this petitioner has filed the resignation letter. However, the respondent management failed to replace him in the same position and refuse to give employment to this petitioner as promised by them. The respondent management has told that they could not reinstate as this petitioner has voluntarily resigned his job. This petitioner has no intention to resign his job in which he had nine years past service, even against all odds. The respondent management has adopted tactics and it had maneuvered to extract the alleged letter of resignation from this petitioner under coercion and under false promise. The respondent management has performed this unfair labour practice as this petitioner had involved in labour friendly activities with his colleagues. Since, the letter of resignation was not filed in volition and as it has obtained by force and coercion by the management this petition has to be allowed and the petitioner has to reinstate in his job and all other monetary benefits, which has to be given by the respondent management to this petitioner. Hence, the petitioner prayed to allow this petition.

3. *The brief averments in the counter filed by the respondent are as follows:*

This petition is not maintainable either in law or on facts. The entire averments in the petition is denied as false in total and the petitioner has to strictly prove each and every facts with records and evidences. The petitioner has given his letter of resignation on 12-02-2014 on his own volition and without any coercion or undue influence and he has stated his reasons for his resignation also. There is no relationship of employee and employer between this petitioner and the respondent from 13-02-2014 and hence, he cannot file this application before this forum. This petitioner has no *locus standi* to file this application as he was no more an employee from 13-02-2014. The resignation letter, dated 12-02-2014 was acted upon and he has received his monetary benefits also. This petition has been filed with afterthoughts inventions in a delayed manner on 08-05-2014. This petitioner never ever approached the respondent management from 13-02-2014 for reinstatement or any other benefits. Further, this petitioner has not approached the management and he has not attempted to withdraw his resignation letter from the management. Since, the petitioner has voluntarily resigned his job on his own accord and without any coercion or undue influence, this petition has to be dismissed with cost.

4. In the course of enquiry, the petitioner has examined three witnesses on his side and he has marked EX.Pl to EX.P7 as his side documents. The respondent management has examined RW.l and it has marked Ex.Rl to R8 on its side.

5. *The point for consideration is:*

Whether the petitioner is entitled for reinstatement and all other monetary benefits? is the point for consideration.

6. The petitioner side Counsel argued this petitioner was threatened and forced to give his resignation letter on 12-02-2014. It is further, argued that there is no previous charges against this petitioner and he has not been subjected to any disciplinary action so far. It is further argued that since, the petitioner has involved in labour friendly activities, he has been victimized by the respondent management and it has threatened this petitioner and also by false promise it has obtained the resignation letter from this petitioner and therefore, he has to be reinstated with all monetary benefits.

7. The respondent side Counsel argued that the petitioner has filed his resignation letter on his own volition and no coercion or undue influence was adopted by the respondent management. It is further argued that as this petitioner has voluntarily resigned his job, he cannot seek any remedy before, this Court and hence, he prayed for dismissal of this application.

8. On the point:

The pleadings of the parties and the evidences adduced on both sides were carefully considered. The petitioner has deposed that as he has involved in labour friendly activities against the management, he has been forced under threat to write a letter of resignation as dictated by them on 12-02-2014. He has further, deposed that the management has enticed him to write the same and no other go except to give his resignation letter. On the contrary, the respondent side witness, RW.1 has deposed that the resignation letter was given by this petitioner on his own accord and allegation of threat, false promise and enticement was false. Now, the Court has to consider whether the resignation was obtained under coercion or under threat or under false promise. In this regard, the evidence of PWl was carefully considered by this Court. The Petitioner/PW1 has deposed that on 12-02-2014 he was threatened by the respondent management. But, he has not deposed that who has threatened him, and he has not stated anything about the place of threatening. Futhermore, he has not stated time of threatening. Further, PW1 has failed to depose who were present at the time of threatening. Therefore, it seems that the evidence of PWl regarding the threatening was not a genuine one and it seems to be a false one. If, this petitioner was really threatened, definitely he could deposed the name of the person who cause threatening, the place, the time and the witnesses who were present at the time of threatening. Furthermore, PW2 and PW3 also

failed to state anything regarding the time, place, name of the persons present at the time of threatening. Hence, the lack of evidences in this aspect in the deposition of PW2 and PW3 also, create suspicion in the evidence of PWl. Furthermore, PW2 is the wife of PWl and PW3 is the brother-in-law of PWl. Since the PW2 and PW3 are the interested witnesses their testimonials cannot be accepted as trustworthy. Since the evidences of PWl to PW3 was lack of all these aspects, this Court come to the conclusion that the allegation of threat and coercion is nothing but, bald allegation without any support and hence, this Court not inclined to accept the evidences reliable one.

9. Furthermore, PWl has deposed that the management had threatened him and enticed him to write the resignation letter. This Court is unable to accept this evidence as threatening and enticement are diagonally opposite to each other. Once, if, the management adopted threatening activities as alleged by this petitioner, then the management will not entice this petitioner to get such a resignation letter as it is totally and diagonally opposite to that of threatening, Hence, on that score also this Court considers that the evidence of PW.1 is nothing but, the false and bald allegation against the management.

10. Further, PW.1 has deposed that the respondent management has told that such a resignation letter is required as a formality to appease the top brass of the management. Further, he has deposed that he has written the resignation letter as dictated by the staff of the respondent management. But, the petitioner has not deposed the name of the top brass who has to be appeased, and the name of the staff who dictated him to write the letter in his evidence. The lack of these aspects would goes to shows that the evidence of PW.1 is unreliable and trustworthy, in respect of the allegation enticing by the management.

11. At this juncture the respondent side Counsel filed the Judgment reported in 1989 2 LLJ 443. It was rendered the Hon'ble Patna High Court in Tata Robins Fraser Company Ltd. and the Tata Iron and Steel Co. Ltd.

Vs.

Presiding Officer, Labour Court

Wherein, 19th and 20th para runs as follows:

It is true that there is no provision similar to Order 6 Rule 4 of the Code in the Shops Act. When an employee who has resigned wants to bring his case within 'otherwise terminated' to show that it was not given voluntarily although *prima facie*, it is a case of resignation, Court shall be required to 'tear the veil' for this, the employee must give the particulars in the complaint to enable the other side to know what case he is to meet to 'prevent surprise', as is generally said, during trial. Order 6 Rule 4 is meant to prevent such a situation. On the ground of public policy, as was done by the Supreme Court in Sarguja Transport *V/s.* State Transport Appellate Tribunal. I am of the opinion that unless that particulars of undue influence, misrepresentation, fraud or the like are stated to show that the resignation was not voluntary, the complainant cannot be allowed to lead evidence on those.

12. I have quoted above in extensor the relevant paragraphs of the complaints and the reply thereto made in the show cause. Nothing has been stated in either of the complaints that Singh requested Hasan or Rao requested Dr. Singh to allow them time to think over the matter. Neither of them stated that they tried to come out of the office of Hasan and Dr. Singh, but, they were physically restrained. Neither stated that they had protested to Hasan or Dr. Singh about their conduct. Merely saying that signature was obtained by undue influence or coercion will not be enough unless these and similar particulars are pleaded and proved, so that in law an inference that employment was 'otherwise terminated' may be drawn. The findings recorded by the Labour Court that their resignation was obtained by inducement, or undue influence or under duress are mere conjectures. The company therefore, in both the cases must succeed.

13. As held in the abovesaid paragraph if, there is any real threat and coercion, this petitioner could very well establish the same by deposing the name, time, place and the manner of threat and everything.

But, here in this case this petitioner failed to give evidence regarding, name, time, place and the manner of threatening. As held in the abovesaid paragraph, merely saying that the signature was obtained by undue influence or coercion will not be enough unless these particulars are pleaded and proved. Here, in this case also this petitioner failed to prove the abovesaid aspects. Furthermore, in the abovesaid Judgment paragraph 13 runs as follows: 'It is sub mitted that if, there was any grievance about the manner in which the complainants resignation was procured and accepted against his will, he could have immediately made report about it to any higher authority but, first representation that the complainant made to the company was after lapse of 93 days'.

14. As per the abovesaid paragraph if, the petitioner was really subjected to threatening he could have immediately made report about it to any higher authority, but, here in this case, this petitioner has not attempted to make any complaint before the higher authorities of the respondent management. Furthermore,

if, the petitioner was really threatened and not permitted to work from 13-02-2014 he could very well immediately approach the Conciliation Officer, but, here in this case, this petitioner has approached the Conciliation Officer after the lapse of 85 days only. There is no explanation offered by this petitioner for such delay. Furthermore, this petitioner has not taken any steps to withdraw the so called regignation letter by mentioning the circumstances under which it was drawn. Hence, on that score also the plea of threat, undue influence and enticement becomes unbelievable and untrustworthy. Thus, though this petitioner pleads coercion, undue influence, threat and false promise, he has failed to prove the same by clear and cogent evidences and documents. At this juncture, the respondent side Counsel argued that this petitioner has the qualification of M.A., M.Phil., and Ph.D., it was not denied by the petitioner Counsel. It shows that he was not an ordinary man like that of an uneducated person. So, this Court come to the conclusion, that the resignation letter could be given by this petitioner on his own accord and volition and it was not given under threat or coercion or under enticement and hence, he was not entitled for reinstatement and other monetary benefits.

15. In the result, this industrial dispute raised by this petitioner, over his reinstatement is found unjustified and this petition is dismissed. No cost.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 12th day of November, 2019.

V. Pandiaraj,
Presiding Officer,
Industrial Tribunal-*cum*-
Labour Court, Puducherry.

List of petitioner's witnesses:

PW.1 — 02-05-2017 V.S. Murugan
PW.2 — 11-10-2017 Subbulakshmi
PW.3 — 16-11-2017 Kalidass

List of petitioner's exhibits:

Ex.P1 — 21-04-2008 Attested copy of the Family Ration Card of the petitioner.
Ex.P2 — 16-05-2014 Attested copy of notice of Enquiry/Conciliation.
Ex.P3 — 02-02-2009 Attested copy of Certificate of respondent for obtaining gas connection.
Ex.P4 — Attested copy of ESI Card of the petitioner.
Ex.P5 — 30-03-2008 Attested copy of Insurance Card of the petitioner (2 Nos.).
Ex.P6 — Attested copy of Bank Passbook (Karur Vysia Bank) of the petitioner.
Ex.P7 — 07-09-2012 Attested copy of Bank Passbook (State Bank of India) of the petitioner.

List of respondent's witness:

RW.1 — 09-02-2018 Suresh

List of petitioner's exhibits:

Ex.R1 — 27-02-2018 Apology Letter.
Ex.R2 — 12-02-2014 Signature found in the resignation letter.
Ex.R3 — 19-01-2014 Letter of authorization.
Ex.R4 — 12-02-2014 Resignation letter of petitioner.
Ex.R5 — 14-02-2014 Settlement of account and due certificate.
Ex.R6 — 08-05-2014 Notice sent to the respondent by the petitioner.
Ex.R7 — Reply notice of the respondent.
Ex.R8 — 12-05-2015 Copy of report on failure of conciliation.

V. Pandiaraj,
Presiding Officer,
Industrial Tribunal-*cum*-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(*G.O. Rt. No. 28/AIL/Lab./T/2020, Puducherry, dated 26th February 2020)*

NOTIFICATION

Whereas, an Award in I.D (T) No. 34/2015, dated 13-12-2019 of the Industrial Tribunal-*cum*-Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. UCAL Fuel Systems Limited, Puducherry and Thiru Govindarajalu, Thilarshpet, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. Mouttoulingam,
Under Secretary to Government (Labour).

BEFORE THE INDUSTRIAL TRIBUNAL-*CUM*-LABOUR COURT AT PUDUCHERRY

Present : Thiru V. PANDIARAJ, B.SC., L.L.M., Presiding Officer.

Friday, the 13th day of December 2019.

I.D. (L) No. 34/2015

Govindarajalu,
No. 199, First Floor,
Vazhudavur Road,
Thilarshpet, Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. UCAL Fuel Systems Limited,
No. A-98, PIPDIC Industrial Estate,
Mettupalayam, Puducherry. . . Respondent

This Industrial Dispute coming on 26-11-2019 before me for final hearing in the presence of Thiruvalargal L. Sathish, T. Pravin, S. Velmurugan, V. Veeraragavan and E. Karthick, Counsels for the petitioner and Thiru M. Vaikunth, Counsel for the respondent, upon hearing, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 58/AIL/Lab./T/2015, dated 18-06-2015 for adjudicating the following:-

(a) Whether the dispute raised by Thiru N. Govindarajalu against the management of M/s. UCAL Fuel Systems Limited, No. A-98, Mettupalayam Estate, Puducherry, over his non-employment is justified or not? If justified, what relief he is entitled to?

(b) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. *The brief averment of the petition filed by the petitioner:-*

(i) The petitioner hails from a poor family and he has completed his ITI course in Government ITI at T.R. Pattinam and he had under gone apprenticeship training at Puducherry Engineering College, Puducherry for one year and he has received completion certificate through Employment Exchange and he has attended the interview called for by this respondent on 24-12-2012 and on being satisfied with his performance, the respondent has employed this petitioner in Quality Department in Dye Casting section as "Machine Operation for carburetor and Quality Maintenance". Though this petitioner was employed in the regular vacancy as a workman, the respondent designated him as an apprentice, which was not known to this petitioner as he being 19 years old and it is being his first employment. Though he was designated as apprenticeship, the petitioner was never given any training in any field and none of the requirement of Apprenticeship Act was followed by the respondent. Thus, he was engaged as a regular employee only and hence, he is entitled for all the benefits and protections of Labour Welfare Legislations.

(ii) On 10-08-2013 he worked in the 2nd shift (Saturday night shift) and he was asked to work on Sunday *i.e.,* on 11-08-2013 in the 2nd shift. The petitioner was asked to work in two shifts without giving any rest. Already this petitioner has worked in the factory without any break for more than a week at the relevant point of time and thereby the respondent has failed to follow the statutory procedures. While he was in 2nd shift duty on 11-08-2013 at about 08.30 p.m he was tired and exhausted. At that time the conveyor belt of the machine had slipped out and this petitioner was instructed to put the belt by his supervisor, inspite of the fact that it was the Technician's duty. The respondent management failed to supply the safety equipments and did not complied the safety standards and it has violated the essential safety measures under the provisions of the Factories Act. When the petitioner attempted to put the belt with his hands, it got struck between the wheel and the belt. The petitioner's right hand thumb was totally severed and he suffered multiple injuries in his left hand also. He has taken to the ESI hospital as he was a regular employee and treatment was given to him in the ESI hospital and thereafter he has been referred to higher institution for specialized treatment. The petitioner suffered a total disability of 30% and he got the Fitness Certificate on 08-04-2014. This petitioner approached the respondent management on 08-04-2014 for the duty. The respondent has obtained signatures from this petitioner in some papers and requested him to come back upon being called by the respondent. The respondent failed to call him back and therefore, this petitioner has given repeated reminders to the respondent.

(iii) During July 2014 the respondent has sent a registered post in courier wherein, it has stated that this petitioner has voluntarily resigned his job. Further, it has sent the Apprenticeship Training Completion Certificate also. The petitioner has never ever given his voluntarily resignation letter to the respondent. The respondent has created such false document as an after thought for the purpose of

denying employment to this petitioner. This petitioner has approached the Conciliation Officer and the respondent has filed its reply on 14-10-2014 before the Conciliation Officer, wherein, the respondent has stated that this petitioner has given a letter of voluntary resignation through his father on 08-04-2014. It has further stated that this petitioner has filed the written request for apprentice training, at the time of filing his Bio-data. It has further stated that this petitioner failed to take the help of supervisor at the time of operating the machine. Though the abovesaid documents were called for by the Conciliation Officer, the management has failed to produce the same before the Conciliation Officer, even after its direction. This petitioner has issued a notice, dated 30-04-2015 to the respondent to produce the following documents before the Conciliation Officer.

1. All the letter and instruments alleged to have been signed and produce by this petitioner at the time of his appointment on 24-12-2012.

2. All the communications sent by this petitioner by this respondent to this petitioner.

3. All documents and deeds that were executed and generated by the respondent management it compliance of requirements under the Apprenticeship Act 1961.

4. All the documents and letters alleged to have been signed and executed by this petitioner or his father on 08-04-2014 and any dates subsequent thereto.

5. Certified standing order of the company.

(iv) Even then, the respondent failed to produce the same before the Conciliation Officer and due to its adamant attitude, the conciliation proceedings ended in vain. The act of the respondent amounts to violation of section 2 (oo) of the Industrial Disputes Act. The removal of this petitioner with employment injury will amounts to contravention of ESI Act and other labour legislations. This petitioner sustained injury only because of the utter negligence on the part of the respondent in extracting Human Labour from this petitioner for long hours without giving him adequate rest and safety equipments. Further more, the respondent has clandestinely removed this petitioner from the employment. Hence, this petition has to be allowed and the respondent has to be directed to reinstate this petitioner with full back wages and all other monetary benefits.

3. *The brief averment of the counter filed by the respondent:-*

(i) All the allegations except those are specifically admitted by this respondent is denied as false. The petitioner has completed ITI course at T.R. Pattinam. He has not shown any document regarding his completion of Apprenticeship Training at Pondicherry Engineering College, Puducherry and therefore, it was not known to this respondent. The petitioner has stated in his letter, dated 12-12-2012, that he has completed his ITI Course and he was a fresher having no experience and requested for apprenticeship training in the respondent company to enable him to seek employment in some other industry in future. Based on humanitarian ground the respondent has issued an order on 24-12-2012, whereby the respondent permitted this petitioner to have Apprenticeship Training Programme in its factory. The respondent has given all the safety measures to his employees and it has insured its employees under the ESI Scheme, which is a ipso fact proving the safety measures taken by the management. The petitioner never obeyed the instructions of the Supervisor or Superior Officer and he is a rule breaker, while he was under training programme. The petitioner failed to follow the instructions given by the supervisors and he has acted in a negligent manner which resulted in his loss of right hand thumb.

(ii) On 08-04-2014 this petitioner has voluntarily filed his resignation letter through his father and requested the respondent to give the training completion certificate. The petitioner suppressed this fact for his convenient. Further, this petitioner has no *locus standi* to ask any documents from the respondent company as he was an apprentice only. Furthermore, the documents sought for by him was already available with him alone. Furthermore, this petitioner has sent the notice with an intention to improve his case only and this respondent is not under obligation to produce the same either before the Conciliation Officer or to this petitioner. The respondent never ever appointed this petitioner as regular employee and he was never treated as regular employee. He has discharged his duty as apprentice only and the termination will not amounts to violation of section 2 (oo) of the Industrial Disputes Act.

(iii) This petitioner had sustained injury only because of his utter negligence and not due to the management side. The respondent never ever extracted more work from its employees for long hours without giving any rest and these allegations are raised for the purpose of unlawful gain. The curiosity and reckless attitude are the reasons for his injury. He has mishandled the machine without wearing the safety devices and equipments in the absence of the Supervisor, for which this respondent is no way responsible. The responded has not allotted any work to this petitioner, to handle with the machines. Therefore, this petition has to be dismissed with cost.

4. On the side of the petitioner only witness was examined and Ex.P1 to Ex.P24 were marked. On the side of the respondent only one witness was examined and Ex.Rl and Ex.R2 were marked.

5. The petitioner side Counsel argued that though he was employed as apprentice he has been directed to work as a regular employee. He has been allotted with shift work as a regular employee. The management failed to follow the requirements of Apprentices Act 1961. The respondent management has never ever given any training to this petitioner as he was not at all engaged as apprentice under training. It is further, argued that the respondent management has not produced any documents to show that there was a contract of apprenticeship under section 4 of the Apprenticeship Act, 1961 and it has not registered the same. It is further, argued that the respondent management has violated the provisions of Apprenticeship Act, 1961 and therefore, this petitioner was entitle for the benefits of regular employee. It is further, argued that the management has adopted unfair labour practice by engaging the apprentices in the regular vacancy and thereby violated the provisions of Apprenticeship Act, 1961. It is argued by the petitioner counsel that Ex.PI is a document created and issued with deceitful intention, to deny the employment to this petitioner. It is further, argued that without any trainer in the respondent management it cannot issue Apprenticeship Training Completion Certificate. The petitioner side Counsel argued that this petitioner was given salary periodically and therefore, he cannot be termed as apprentice as he has never ever given stipend. It is argued that as he has been engaged and utilized as a regular employee, the mere nomenclature as an apprentice would not disentitle this petitioner to claim the benefits like that of a regular employee. It is further argued that the non production of the documents called for by this petitioner would goes to show that this petitioner was never ever engaged as apprentice. He has further argued that the respondent has failed to produce the apprentice documents with respect to this petitioner and hence, he prayed to allow this application.

6. The respondent side Counsel has not appeared before this Court to putforth his oral argument even after sufficient time was given by this Court. Therefore, this Court/Tribunal taken it as heard and it has decided to proceed further.

7. *Points for consideration:*

Whether this petitioner was employed as an apprentice or as a regular employee? and whether his non-employment was justified or not? is the point to be decided by this Tribunal. If, it is decided in favour of the petitioner, what is the relief that he was entitle to? is also to be decided in this case.

8. *On the Point:*

The petitioner was an employee in the respondent company and he has been removed from his service by the management are all admitted facts. Further more he has a total disability of 30% due to industrial accident, is also admitted on both sides.

9. As per the pleading and as per the argument putforth by the petitioner side Counsel this petitioner was not an apprentice and he was a regular employee only. *Per contra,* as per the pleading raised in the counter, the respondent management alleges that he was an apprentice only. To analyse these aspects this Tribunal inclined to go through the evidences and documents produced on both sides.

10. The petitioner has deposed that he has completed his ITI Court at T.R. Pattinam. It was not denied by the respondent. The petitioner has deposed that he had undergone apprenticeship training at Pondicherry Engineering College, Puducherry for one year and he has obtained the Apprenticeship Training Completion Certificate from the Pondicherry Engineering College, Puducherry. Whereas, the respondent has deposed that it was not known to their management. From this evidence it seems that the management has not denied the plea of completion apprenticeship training by the petitioner before he joined in the respondent company. Furthermore, this petitioner has produced the document Ex.P22 which is the document of his Apprenticeship Training Completion Certificate, dated 08-12-2012, wherein, it is clearry stated that this petitioner has already undergone one year apprenticeship training in Pondicherry Engineering College, Puducherry from 09-12-2011 to 08-12-2012. Therefore, the plea of completion of apprenticeship training by this petitioner at Pondicherry Engineering College, Puducherry found to be proved by Ex.P22. Further, on perusal of Ex.P22, it is found that already this petitioner has filed Form-I, Form-II (Declaration), Resume, Provisional Certificate, Filled up application issued by the management and Transfer Certificate along with his Apprenticeship Training Completion Certificate to the respondent. Further, RW1 himself admitted in his cross-examination that the respondent company has received the Apprenticeship Training Completion Certificate from this petitioner with his resume and application form on 24-12-2012. Therefore, it is clear that this petitioner has already filed his Apprenticeship Training Completion Certificate on 24-12-2012 before the respondent management along with other certificates and therefore, this Court come to the conclusion that the evidence of RW.1 in this aspect is nothing but, an utter lie adduced with the indention to defeat the claim of this petitioner.

11. Furthermore, the RW1 has deposed that this petitioner requested the management *vide* his letter 24-12-2012 by stating that he has completed ITI and

mentioning him as a fresher having no experience and requested to provide Apprentice Training Programme in the respondent company. To prove this aspect, the respondent company has not produced the so called requisition letter, dated 24-12-2012 given by this petitioner. Therefore, this tribunal found that the evidence of RW1 that, the petitioner was a fresher and he requested the management to give Apprentice Training Programme became false one. Further, RW1 has deposed that it has employed this petitioner as apprentice in their company and it has issued an order on 24-12-2012 and thereby it has permitted this petitioner to undergo Apprenticeship Training Programme in its company. In order to substantiate this evidence, the respondent has not produced document, dated 24-12-2012, which alone can speak about the nature of appointment given to this petitioner. The non-production of order, dated 24-12-2012 has probablised the case of petitioner alone.

12. The petitioner has deposed that the respondent has offered the employment as a regular employee and it has extracted all kinds of work from this petitioner just like that of a regular employee. He has deposed that he was never ever given any training in any field as required under the Apprenticeship Act, 1961 as pleaded by the respondent. Furthermore, during his cross-examination PW1 has strongly denied the suggestions made in this regard. At this juncture, this Court/Tribunal inclined to reproduce the admitted evidence of RWI in this regard in his cross-examination. RWI has deposed that they have not made any publication for want of apprentice in their company. Further, he has admitted in his cross-examination that the company has not produced any document regarding the appointment of this petitioner as apprentice, period of training of apprenticeship and details of stipend given to this petitioner. In addition to this, the respondent has deposed that apprentices were also directed to do all the works as Casual Labour. He has deposed that the apprentices were engaged in shop floor work also. He has further deposed that the apprentices were engaged in night shift also. Further, he has deposed that no training programme was given to the apprentices in their company. He has further deposed that no stipend was granted to the apprentices whereas, it has granted salary to them. He has deposed that Ex.P23 is such a kind of document showing the salary given to the petitioner. He has deposed that attendance register and employment number also given to this petitioner as per Ex.P24. Further, he has deposed that they have not mentioned anything in their counter regarding the field in which this petitioner was given apprenticeship training. He has further, deposed that there is no difference between the apprentices and the permanent employees in their company and both of them were engaged in same kind of work in their company. All these evidences of RW.1 would goes to shows that this petitioner was engaged as regular employee only. For the sake of argument, if, we consider this petitioner as an apprentice, the abovesaid evidences would goes to shows that the appointment of this petitioner as apprentice is not at all true in real sense and it is for nomenclature purpose only, *i.e.,* in true sense, he has been engaged as regular employee and work has been extracted from him just like that of a regular employee.

13. Further, RW.l has deposed that they have issued the Apprenticeship Training Completion Certificate Ex.P1 on 08-04-2014. As per the Ex.P1, the respondent management has stated that this petitioner joined as apprentice on 24-12-2012 and the date of leaving as 23-12-2013. If, this is true then definitely it would have issued the training completion certificate on 23-12-2013 itself or within a short span of time. But, it has issued the certificate only on 08-04-2014. The respondent management has not adduced any explanation for the delay of issue of such certificate. It shows that the issuance of training completion certificate on 08-04-2014 is nothing but, a created document for the purpose of denial of work to the petitioner in the company after the production of the fitness certificate by this petitioner on 08-04-2014. Therefore, this Tribunal found that this petitioner was not at all engaged as apprentice, whereas, he has been actually engaged as regular employee only.

14. The petitioner has deposed that he or his father never ever given voluntary resignation letter to the company on 08-04-2014. Whereas, RW.l has deposed that this petitioner has requested the company to issue a training competition certificate and he has submitted his letter of voluntary resignation to the company, but, the letter, dated 08-04-2014 has not contain anything regarding voluntary resignation. Hence, the evidence of RW.l in this regard also becomes untrustworthy. Furthermore, the respondent has not produced the document, dated 08-04-2014 before the Conciliation Officer even after direction during the conciliation proceeding. Further, the respondent management has failed to furnish the same to this petitioner even after issuance of legal notice, dated 30-04-2014. There was no explanation offered by this respondent either before the Conciliation Officer or before this Court, for such non- production of the certificate, dated 08-04-2014. Therefore, the genueinity of Ex.Rl also becomes doubtful again. Furthermore, the respondent has not pleaded anything regarding his voluntary resignation, dated 08-04-2014 in their letter, dated 30-07-2014 (Ex.P15) and in their letter, dated 14-10-2014 (Ex.P16). It shows that the story of voluntary resignation given by this petitioner as alleged by this respondent is nothing but, an utter lie.

15. Now, this Court inclined to go through the relevancy of the citations filed on the side of the petitioner in connection with this case. The petitioner side Counsel has filed a citation reported in –

CDJ 2005 MHC 815

wherein, it is opined that "if, the apprentice was not subjected to training then he has to be considered as an employee doing full time work in the establishment and not undergoing training". Here, in this case also though the respondent has alleged this petitioner as an apprentice, it has given full time work to this petitioner and extracted work from this petitioner like that of a regular employee by directed him to work in the night shift and also in the other shift without any break or interval. Hence, if, we applied the observation of the abovesaid citation in this case this petitioner would clearly comes under the category of regular employee only. Furthermore, in the abovesaid citation it is opined that "Industrial Law recognizes that the workers are in a weaker position than the employers who have financial resources, management skills, connection, *etc.,* Hence, the whole object of industrial law is to help the weaker sections in the society (the workman) and give them protection from exploitation. In our opinion, there can be no estoppel against a person who accept his designation as an apprentice, but, later on raises a plea that in fact he was not an apprentice but, was doing the work of a workman. It is the actual work which a person is doing which must be seen and not the designation. As per the abovesaid observation even the person who was appointed as apprentice can later on raises a plea that he was not an apprentice, if, he was subjected to regular work just like that of a regular employee. Here, in this case, the management has extracted all sorts of work from this petitioner just like that of a regular employee. Therefore, even if, the plea of apprenticeship by the respondent is taken as true, this Court can very well come to the conclusion that he was not an apprentice as he was subjected to all sorts of work by the respondent just like that of a regular employee.

16. Furthermore, as per the citation reported in 1994 (2) LLJ 1153 SC, the designation of an employee is not much importance and what is important is the nature of duty that he performed. The same view was also adopted in the following judgments:

1. 1969 (2) LLJ (370 - Anandha Bazaar Patrikai *Vs.* Its workmen.

2. 1966 (2) LLJ 194 - Sydicate Bank Ltd. *Vs.* Its workman.

3. 1961 (2) LLJ 94 - May and Baker Ltd. *Vs.* Its workman.

17. Here, in this case also this petitioner has been directed and asked to do work like that of a regular employee and not like that of an apprentice. Hence, the benefit, the abovesaid citations have to be given to this petitioner necessarily and without fail.

18. Further, the petitioner side Counsel filed a citation reported in –

AIR 2003 SC 3329

wherein, the Hon'ble Supreme Court has held that "even if, the petitioner failed to produce the appointment order then it could not be concluded in favour of the management and it has clearly held that the version of the management cannot be held as true". Here, in this case also this petitioner failed to file the appointment order, dated 24-12-2014. At the same time, he has deposed that he has worked as regular employee in the abovesaid company. The respondent side witnesses also admitted that he has been engaged in the work just like that of a regular employee. Further, the respondent has failed to produce the Apprenticeship Training Order, dated 24-12-2012. Hence, from the abovesaid citation also, this Tribunal was unable to come to the conclusion that this petitioner was appointed as apprenticeship in the respondent company. Further, the abovesaid citation it is observed as follows "if, there were trainees, there should have been trainers too. The management evidently came forward with a false plea dubbing the employee/workman as trainees so as to resort to summary termination and deny the legitimate benefits". Here, in this case, the management has pleaded that this petitioner was engaged as apprentice trainee only. But, to substantiate its plea it has not produced the list of trainers and the nature of the training given to this petitioner. Therefore, as per the judgment, the stand/plea taken by the respondent cannot be considered, due to its failure to produce the relevant document of apprenticeship training. Further, it seems that the respondent management has resorted to such plea in order to terminate and to deny the legitimate benefits to this petitioner.

19. The petitioner side Counsel filed the citation reported in –

CDJ1994SC 1065

wherein, it is clearly held that "if, the person was made to work against a regular vacancy then he can be treated as regular employee". Here, in this case RW.1 has stated that apprentices were asked to work in the place of casual employers and also with permanent employees and they were provided with salary only and no stipend was given to them. Further, he has clearly deposed that they will go for engagement of apprentice in probationate to the orders received by them from their clients. Furthermore, he has deposed that this petitioner

met with industrial injury while he has engaged as Machine Operator in the factory during the 2nd shift. Furthermore, he has clearly deposed that though he was engaged as apprentice, they have extracted the work from this petitioner just like that of a regular employee. If, we look the abovesaid evidence of RW.l in parallel with the abovesaid citation, this Court can very well come to the conclusion that this petitioner was not employed as an apprentice whereas, he has been employed as regular employee to fill up the vacant place in their company, in order to meet out their orders canvassed.

20. Furthermore, the petitioner side Counsel filed a citation reported in –

CDJ 2009 SC 1970

wherein, the HSC has clearly held that "if, the management has failed to produce the muster role then it can take adverse inference against the management". Here, in this case also the management has failed to produce the documents related to apprenticeship training programme. Hence, this Court takes adverse inference against the management. Furthermore, in the abovesaid judgment the 15th paragraph runs as follows:

> "Applying the principles laid down in the above case by this Court, the evidence produced, by the appellant has not been consistent. The appellants claim that the respondent did not work for 240 days. The respondent was a workman hired on a daily wage basis. So, it is obvious, as this Court pointed out in the above case that he would have difficult in having access to all the official documents, muster rolls, *etc.,* in connection with his service. He has come forward and deposed, so, in our opinion, the burden of proof shifts to the employee/appellants to prove that he did not complete 240 days of service in the requisite period to constitute continuous service. It is the contention of the appellant that the services of the respondent were terminated in 1988, The witness produced by the appellant stated that the respondent stopped coming to work from February, 1988. The documentary evidence produced by the appellant in contradictory to this fact as it shows that the respondent was working during February, 1989 also. It has also been observed by the High Court that the muster roll for 1986-87 was not completely produced. The appellants have inexplicably failed to produce the complete records and muster rolls from 1985 to 1991, inspite of the direction issued by the Labour Court to produce the same. In fact, there has been practically no challenge to the deposition of the respondent during cross-examination. In this regard, it would be pertinent to mention the observation of three Judge Bench of this Court in the case of Municipal Corporation, Faridabad *Vs.* Siri Niwas [(2004) 8 SCC 195], where it is observed".
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> "A Court of Law even in as case where provisions of the Indian Evidence Act apply, may presume or may not presume that if, a party despite possession of the best evidence had not produce the same, it would have gone against this contentions. The matter, however, would be different where despite direction by a Court the evidence is withheld".

21. Here, in this case also the petitioner has worked for more than 240 days including ESI leave and therefore, this Court ought to have given benefit of the abovesaid citation. The petitioner side Counsel filed the citation reported in CDJ 2003 GHC 182, wherein, the 7th and 8th paragraphs run as follows.

"Learned Advocate Ms. Mandavia has relied upon decision of this Court in case of ballkhan Doshan Joya V. Gujarat Electricity Board reported 2002 Ell LLN 1090. Wherein, the Division Bench of this Court has considered in detail this question. The relevant observations made the Division Bench of this Court in para-6, 7 and 8 of the decision referred to above are quoted below:

> After hearing the learned Counsel for the parties and perusing the judgment of the learned Single Judge, we have formed opinion that this appeal deserves to be allowed. It is not in dispute that the employee was given second opportunity to serve in the board only by appointing him as an apprentice. After issuing the appointment order as an apprentice, the contract of apprentice was sent to the apprentices adviser. S.3 of the Apprentices Act states that:
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> "a person shall not be qualified for being engaged as an apprentice to undergo apprentice training in any designated trade unless he is fourteen years of age and satisfied such standards of education and physical fitness as may be prescribed,".

22. In the apprentices rules as per the schedule appended to them, for appointment to the post of lineman, the prescribed qualification is that the candidate must have passed 8th standard examination of the new course. The 8th standard examination of new course 10 + 2 + 3 is not equivalent to 8th standard examination of old course. The apprenticeship contract was, therefore, not registered only on the ground that the 8th standard examination pass of the old course is not equivalent to 8th standard examination pass of the new course. Section 18 of the Apprentices Act states that "every apprentice undergoing apprenticeship training in a designated trade in an establishment shall he a trainee and not a worker and the provisions of any law with respect to labour shall not apply to or in relation to such apprentice, "the provisions of S.18, as held by the learned Single Judge are not attracted in the case of the present appellant, because, for want of

registration of his apprenticeship contract, he cannot be treated to be an "apprentice" undergoing apprenticeship training, "apprentice" has been defined under S. 2 (aa) to mean "person who is undergoing apprenticeship training in pursuance of a contract of apprenticeship."

23. The other question that arises is that if, the provisions of S-18 are not attracted to the employment of the appellant, as he was not undergoing an apprenticeship training pursuant to an apprenticeship contract, whether, the provisions of other labour laws would be applicable to such employment. In the above respect the learned Single Judge, has also noticed the definition of "workman" contained in S. 2 (s) of the I.D. Act. The definition Cl. (a) of S.2 of the I.D. Act expressly includes an Apprentice". Section 2 (s) reads as under:

24. Definitions: In this Act, unless there is anything repugnant in the subject or context-(s) "workman" means any person (including any apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied, and for the purpose of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but, does not include any such person-(i) who is subject to the Air Force Act, 1950 (xlv of 1950) or the Army Act, 1950 (xlvi of 1950), or the Navy Act, 1957 LXII of 1957, or (ii) who is employed in the Police Service or as Officer or the other employee of a prison; or (iii) who is employed mainly in a managerial or administrative capacity: or (iv) who being employed in a supervisory capacity, draw wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature, "(emphasis supplied) the definition of "workman" in I.D. Act, as its stands, who introduced by amendment on 21 August, 1984 and at that time the Apprentices Act, 1961, containing S. 18 in its provisions, was in existence. The central legislature was therefore, fully alive to the situation that an apprentice, undergoing an apprenticeship training under an apprenticeship contract duly registered would be only a "trainee" and not a "workman" to which other laws in respect of labour shall not apply. Therefore, in including, in the definition of "workman" "apprentice" as well, the legislative intention appears to be obvious that such apprentices, who are not undergoing apprenticeship training under a duly registered apprenticeship contact, envisaged by the Apprentices Act, and to who provisions of S. 18 of the said Act are not applicable, would, nonetheless, be included in the definition of "workman" under the I.D. Act and would get all the protection of labour laws. The learned Single Judge may be right in his reasoning that even after non-registration of the contract of apprenticeship the appellant would only be a "trainee", or an "apprentice", as intended by the parties and he would not be an "employee" or a "workman", within the meaning of the Apprentices Act Even if, as stated by the learned single Judge, the appellant, as a result of non registration of contract of apprenticeship is deemed to be a "trainee" or an "apprentice", he would, nonetheless, be covered within the definition of "workman" under S.2 (s) of the I.D. Act.

25. "in considering the claim of the workman for reinstatement against illegal termination of his services, it is not merely the label given to the employment which is decisive, but, what is to be ascertained is the actual nature of work and contract of employment. The Labour Court, which recorded the evidence, has come to a finding of fact that, in the first phase of his employment, the appellant worked as helper on work charge basis and after his induction as apprentice lineman, he continued to work on the same post with the same duties. The learned Counsel appearing on behalf of the Board argued that there is no difference between the nature of work of lineman and helper. It may be so, but, status of an employee, appointed as a lineman, with requisite qualifications and expertise is different from employee, who is just helping him. The facts revealed before the Labour Court were that between the period 19th February, 1981 and 27th November, 1981, the appellant, virtually, served as helper and not as an apprentice. It is not in dispute that by service between 19th February 1981 and 27th November 1981, the employee had completed more than 240 days of continues service. The provisions of sec. 25-F require that the services of a workman, who has completed 240 days continues service can be terminated only after service of one month's notice in writing or payment *in lieu of* notice and also only on payment of retrenchment compensation. Non-observance of mandatory condition precedent in S. 25f of the I.D, Act makes the termination of service or retrenchment of the workman illegal."

26. In view of observations made by the division Bench of this Court and considering the fact that the workman was appointed on 23rd May, 1989 and his services came to be terminated on 23rd May, 1990 under the provisions of the Apprentices Act, 1961, but, agreement of apprentice has not been registered under the provisions of the Apprentices Act and since no examination was given to the workman under the Apprentices Act and as such, no training was given to the workman under the Apprentices Act, this being the lapse on the part of the petitioner and considering the definition under section 2 (s) of the I.D. Act, the

respondent who is considered to be workman under the provisions of the I.D. Act and though the workman has undisputedly completed 240 days continuos service and at the time of termination of service, section 25-F of the I.D. Act has not been complied with, then the order of termination becomes *ab initio void* and therefore, as held by the Apex Court in case of Mohanlal *Vs.* Management of M/s. Bharat Electronics limited reported in IR1981 SC 1253, in such situation, the order of termination becomes *ab initio void*, the workman is deemed to be continue in service for all purposes. Therefore, considering the decision of the Division-Bench of this Court while dealing with identical facts before this Court, according to my opinion, the Labour Court has rightly considered-the oral and documentary evidence which was led before the Labour Court and rightly come to the conclusion that the workman is entitled to reinstatement with continuity of service with full back wages of the interim period as the petitioner has not proved gainful employment of the respondent workman before the Labour Court. Therefore, in my view, the Labour Court has not committed any error while passing such Award and as such, there seems no procedural irregularity committed by the Labour Court and even in case, if, two views are possible, then also, this Court having limited powers to interfere with Award passed by the Labour Court or the Tribunal".

27. In the abovesaid citation, the Hon'ble HC clearly discussed the meaning and the interpretation of the word "workman" and "Apprentice" under various legislations and it has held that "the apprentice who are not undergoing apprenticeship training under a duty registered apprenticeship contract, envisaged by the Apprentices Act, and to whom the provisions of section 18 of the Act are not applicable would, nonetheless, be included in the definition of workman under the I.D. Act and would get all the protections of Labour Laws". As per the abovesaid citation, if, the management failed to produce the apprenticeship contract register under section 4 of the Act then the person who was alleged as apprentice can be treated as regular employee/workman under the ID Act. Here, in this case also the respondent management has failed to produce the appointment letter of this petitioner as apprentice and the registered apprentice contract. Therefore, even as per the abovesaid judgment also, this petitioner has to be necessarily be considered as a regular employee only. Furthermore, in the abovesaid citation it is observed that "in considering the claim of the workman for reinstatement against illegal termination of his service, it is not merely the label given to the employment which is decisive, but, what is to be ascertained is the actual nature of work and contract of employment". The very same view was also taken by Hon'ble Bombay High Court in the case reported in CDJ 2005 Bombay High Court 976, Here, in this case also the petitioner has been directed to perform all sorts of work of a regular employee and the management has failed to produce the apprenticeship contract as envisaged under section 4 of the Apprenticeship Act, 1961. Therefore, this Court considered this petitioner as a regular employee on the basis of the abovesaid citation.

29. Thus, on analysing all these aspects, the evidences and the documents, produced on both sides, this Tribunal come to the conclusion that this petitioner was not at all an apprentice and he was a regular employee in the company. The respondent has not denied the accident that took place on 11-08-2013, while he attempted to put the belt in the machine in course of his duty and whereby, he lost his right hand thumb. Further, the respondent has not denied the multiple injuries sustained by this petitioner in the same accident. Further, the respondent has not denied that this petitioner suffered a total disability of 30% due to that accident. This petitioner was terminated from his service without any enquiry or far any proven misconduct. Therefore, the termination of this petitioner from the company by the respondent is nothing but, the clear violation of labour legislations and therefore, this petitioner is entitled to get reinstatement with full back wages and continuity of service with all other monetary benefits as he claimed in his claim statement.

30. In the result, the order of dismissal by the management is decided as unjustified and the industrial dispute raised by the petitioner against the management is decided as justified and hence, this ID is allowed. No cost.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the Open Court on this 13th day of December, 2019.

V. Pandiaraj,
Presiding Officer,
Industrial Tribunal-*cum*-
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 — 22-02-2017 — Govindarajalu

List of petitioner's exhibits:

Ex.P1	24-12-2012	Copy of Training Certificate issued by respondent to petitioner.
Ex.P2	July 2013	Copy of Salary Slip of the petitioner.
Ex.P3	17-08-2013	Copy of discharge summary issued the by PIMS Hospital to petitioner.

Ex.P4	12-08-2013	Copy of FIR registered by Mettupalayam P.S., *vide* FIR No.70/2013 against the respondent's staff, namely, Raman and Palanivelu.
Ex.P5	13-08-2013	Copy of Eligibility Certificate issued by
Ex.P6	19-08-2013 to 08-04-2014	Copies of Certificate, OPD slips and Examination reports issued by the ESI Dispensary Puducherry to petitioner depicting his health conditions (25 Nos).
Ex.P7	13-11-2013 30-12-2013	Copies of Medical Certificate issued by the Chettinadu Super Specialty Hospital in favor of petitioner.
Ex.P8	—	Copy of Fitness Certificate given by Chettinadu Super Specialty Hospital in favor of petitioner. (2 Nos).
Ex.P9	10-10-2013	Copy of letter issued by ESI Corporation Puducherry to Orthopedic Specialist, ESIC Hospital, Chennai requesting, to get an opinion on petitioner's treatment.
Ex.P10	05-11-2013	Copy of the Referral Form (permission letter) issued by ESI Hospital, Puducherry to Chettinad Hospital/Diagnostic Centre, Chennai along with Temporary Identity Certificate issued by respondent in favor of the petitioner.
Ex.P11	11-04-2014	Copy of letter sent by petitioner to respondent requesting employment along with postal slip.
Ex.P12	07-05-2014	Copy of reminder letter send by the petitioner to respondent requesting the respondent for employment along with postal slip.
Ex.P13	23-05-2014	Copy of reply given by respondent to petitioner's letter, dated 11-04-2014 and 07-05-2014.
Ex.P14	18-06-2014 07-08-2014 22-09-2014	Copy of the representations given by the petitioner to the Labour Officer (Conciliation) Puducherry raising industrial dispute (3 Nos).
Ex.P15	30-07-2014	Copy of reply given by the respondent to Labour Officer (Conciliation) Puducherry for the ID raised by petitioner.
Ex.P16	14-10-2014	Copy of reply given by the respondent to Labour Officer (Conciliation) Puducherry for the ID raised by petitioner.
Ex.P17	04-08-2014	Copy of letter sent by ESI Corporation, Puducherry to petitioner regarding its decision of permanent disablement along with disability Certificate (Form B13) issued by its Board.
Ex.P18	16-10-2014	Copy of the letter sent by ESI Corporation, Puducherry to petitioner, calling him for an enquiry regarding his earning capacity.
Ex.P19	30-04-2015	Copy of the legal notice send by the petitioner to respondent.
Ex.P20	15-05-2015	Original reply notice sent by respondent.
Ex.P21	14-05-2015	Copy of Failure Report forwarded by Labour Officer (Conciliation), Puducherry to Government of Puducherry in petitioner's case.
Ex.P22	24-12-2012	Copy of Application with Testimonials of the petitioner.
Ex.P23	—	Copy of Salary Slips (9 series) of the petitioner.
Ex.P24	—	Copy of Attendance Register of the petitioner.

List of respondent's witness:

RW1	05-03-2013	S. Gobu

List of respondent's exhibits:

Ex.Rl	08-04-2014	Copy of the letter from N. Govindarajalu.
Ex.R2	04-08-2014	Copy of the letter from ESI Corporation.

V. Pandiaraj,
Presiding Officer,
Industrial Tribunal-*cum*-
Labour Court, Puducherry.